

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: :CHAPTER 13
:BRUCE RHODES, JR., :CASE NO.: 22-11103-pmm
:Debtors :
=====

FMM BUSHNELL LONG LAKES, LLC :
: :
Movant :
and :
: :
BRUCE RHODES, JR., and Kenneth E. West, :
Chapter 13 Trustee, :
: :
Respondents. :

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

NOW COMES FMM Bushnell Long Lakes, LLC (“Movant”), by and through counsel, and files the following Motion for Relief from the Automatic Stay under 11 U.S.C. section 362 (d):

1. Movant is a party-in-interest under the provisions of the Bankruptcy Code, as it is a secured creditor of the Debtor, Bruce Rhodes, Jr. (“Debtor”).

2. The Debtor filed a Voluntary Petition for relief under Chapter 13 of the Bankruptcy Code on April 29, 2022 ("Petition") and thereafter, on May 27, 2022, filed his Chapter 13 Plan ("Plan") providing for monthly post-petition payments to Movant.

3. On or about June 28, 2007, Debtor executed and delivered to Movant’s predecessor in interest a certain Commercial Guaranty (“Guaranty”) irrevocably guarantying and becoming surety for all obligations of Taylormade Entertainment, Inc. pursuant to a Note dated of even date in the original principal amount of \$108,000.00 (“Note”).

4. As security for the Guaranty and Note, Debtor executed a certain Mortgage dated June 28, 2007, in the original principal amount of \$108,000.00 (“Mortgage”) in favor of Movant’s predecessor in interest Alternative Business Credit, LLC, on the premises commonly known as 2514 Dickinson Street, Philadelphia, PA 19146 (“Premises”), with said Mortgage being recorded in the Office of the Recorder of Deeds of Philadelphia County on July 6, 2007, as Document ID No. 51727794.

5. At the time of recording, the Mortgage became a first priority mortgage lien upon the Mortgaged Premises.

6. Due to Debtor and Taylormade Entertainment, Inc.’s default under the Guaranty and Note, respectively, the debt was accelerated and due in full, and an action in Mortgage Foreclosure was commenced against the Mortgaged Premises on July 3, 2014 in the Court of Common Pleas of Philadelphia County at Docket Number 140604925 (“Foreclosure Action”).

7. This is an action under 11 U.S.C. section 362 (d) to vacate or modify a stay granted under 11 U.S.C. section 362 (a) to permit foreclosure on the mortgage, enforcement of the assignment of rents, and any subsequent possessory action regarding the Premises.

8. Debtor is past due post-petition for the July 1, 2023, August 1, 2023 and September 1, 2023 monthly post-petition payments. The outstanding balance due Movant post-petition as of September 5, 2023 is \$3,333.00.

9. In addition, Debtor has failed to provide any proof of insurance on the Premises and has failed to make timely payments of the real estate taxes due on the Premises.

10. Movant submits based on Debtor’s failure to make timely post-petition payments, Debtor’s failure to provide insurance on the Premises and Debtor’s failure to pay the real estate

taxes on the Premises, Movant does not have adequate protection for its interest(s) in the Premises.

11. Movant further respectfully requests it be granted relief from stay and that any relief granted pursuant to the instant Motion be effective immediately, and not subject to the stay of proceedings of Bankruptcy Rule 4001 (a)(3).

WHEREFORE, Movant respectfully requests this Honorable Court to modify the automatic stay of 11 U.S.C. section 362 (a) pursuant to the proposed Order attached hereto.

Respectfully Submitted:

JSDC LAW OFFICES

DATED: 9/5/2023

BY: /s/ Kimberly A. Bonner

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